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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,118	08/28/2000	JHEROEN P. DORENBOSCH	PF2054NA	9447

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EXAMINER	
D AGOSTA, STEPHEN M	

ART UNIT	PAPER NUMBER
2683	9

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/650,118	DORENBOSCH ET AL.	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-11 and 13-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-11 and 13-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1, 3-11 and 13-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-11 and 13-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et al. US 6,408,182 and further in view of Iseyama US 6,192,232 (hereafter Davidson and Iseyama).

Regarding **claim 1**, Davidson teaches a communication system (figure 2) with a main system component [abstract; col.1, lines 44-67; col.2, lines 135] and a backup wireless communication services comprising a main system component (primary MSC) that normally serves all of the plurality of the communication devices and a backup system component [backup MSC] that in response to the main system component going out of service operates to a database including subscription information of the at least one first communication device and the at least one second device,

Obtaining subscription information from the database for a particular communication device needing service (Abstract teaches "subscriber information being downloaded from the HLR to a VLR in the backup MSC" which reads on a database that includes subscription information for a plurality of devices),

Davidson **fails to teach** a plurality of communication devices that include at least one first communication device subscribed to a first class or service and at least one second communication device subscribed to a second class of service and Providing

service to the particular device needing service if the subscription information indicates that the particular communication device subscribes to the first class of service

Terminating service to the device needing service if the subscription information indicates that the particular communication device subscribes to a second class of service.

However, Iseyama teaches a plurality of communication devices that include at least one first communication device subscribed to a first class or service and at least one second communication device subscribed to a second class of service [col.1, lines 53-67; col.2, lines 1-15; col.3,lines 11-25]. The combination of Davidson's subscriber information download and Iseyama's classes of service provides for one skilled in the art to determine which class(es) of service would be supported while others have service dropped due to the network failure [ref. Iseyama col.1, lines 44-57; col.3, lines 49-65].

Therefore it would have been obvious to a person of ordinary skill in the art at the time that the invention was made to include the teachings of Davidson with Iseyama in order to efficiently provide a cost-effective uninterrupted backup wireless communication system with a first class service and a second class service.

Regarding **claims 3 and 13**, Davidson teaches a communication system or method wherein the first class of service has a higher service priority relative to the second class of service [col.2, lines 59-66; col.3, lines 20-23].

Regarding **claim 4**, Iseyama teaches a communication system wherein the first class of service [1 st base station] corresponds to an emergency service and the second class of service [2"d base station] corresponds to a non-emergency service [abstract; col.3, lines 11-25; col.4, lines 28-43] 11.

Regarding **claims 5 and 14**, Davidson teaches a communication system or method wherein the main system component [primary MSC] is a main base station and the backup system component [alternate MSC] is a backup base station [col.1,lines 4467; col.2, lines 1-35].

Regarding **claims 6 and 15**, Davidson teaches a communication system or method wherein the backup system component has a lower capacity than the main system component [col.3, lines 20-34; col.4, lines 34-50; col.5, lines 24-53]

Regarding **claims 7 and 16**, Davidson teaches a communication system or method wherein the backup system has a higher reliability than the main system component [col.2, lines 19-35; col.4, lines 34-65].

Regarding **claim 8**, Davidson teaches a communication system wherein information about the class of service for each communication device is stored in the system [col.3, lines 20-67; col.4, lines 1-15].

Regarding **claim 9**, Davidson teaches a communication system wherein the at least one communication device informs the system relative to a subscribed class of service [col.3, lines 20-67; col.4, lines 1-15].

Regarding **claim 10**, Davidson teaches a method for providing wireless communication services to a plurality of communication devices comprising normally serving all of the plurality of the communication devices using a main system component [primary MSC and backup MSC] ((Abstract teaches "subscriber information being downloaded from the HLR to a VLR in the backup MSC" which reads on a database that includes subscription information for a plurality of devices), col.1, lines 44-67; col.2, lines 135; col.3, lines 49-65).

Davidson **fails to teach** a plurality of communication devices include at least one first communication device subscribed to a first class of service and at least one second

communication device subscribed to a second class of service and Providing service to a particular device by a backup component in response to the main component going out of service, if the subscription information indicates that the particular communication device subscribes to the first class of service

Terminating service to the device in response to the main system component going out of service, if the subscription information indicates that the particular communication device subscribes to a second class of service.

However, Iseyama teaches a plurality of communication devices include at least one first communication device subscribed to a first class of service and at least one second communication device subscribed to a second class of service [col.1, lines 5367; col.2, lines 1-15; col.3,lines 11-25]. The combination of Davidson's subscriber information download and Iseyama's classes of service provides for one skilled in the art to determine which class(es) of service would be supported while others have service dropped due to the network failure [ref. Iseyama col.1, lines 44-57; col.3, lines 49-65].

Therefore it would have been obvious to a person of ordinary skill in the art at the time that the invention was made to include the teachings of Davidson with Iseyama in order to efficiently provide a cost-effective uninterrupted backup wireless communication system with a first class service and a second class service.

Regarding **claim 11**, Davidson teaches the method wherein the backup system component [backup MSC] only serves the at least one first communication device subscribed to the first class of service, when the main system component [primary MSC] goes out of service [col.1, lines 44-57; col.3, lines 49-65].

Regarding NEW CLAIMS **17-18**, Davidson teaches claim 1/10 wherein the plurality of communication devices, the at least one first and second devices are mobile communication devices (figure 1 shows a cellular/mobile telephone network and is disclosed in C1, L5 to C2, L36).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

SMD
1-7-04

WILLIAM TROST
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